

## **REMARKS / ARGUMENTS**

### Introductory Remarks

Applicant thanks Examiner Kumar for the thorough examination of the present application. Claims 1-10, 14-17 and 20-30 are pending in the present application. Claims 1-3, 8 and 16 have been amended to clarify the subject matter. Claims 11-13 and 18-19 have been canceled. Claims 26-30 are new, and recite the allowable features of Claims 11-13 and 18-19 respectively in independent form. In view of the amendments and remarks presented herein, Applicant respectfully solicits reconsideration, a withdrawal of all rejections, and a Notice of Allowability.

### Allowable Subject Matter

Applicant acknowledges the finding of the Office that Claims 11-13 and 18-19 are allowable over the prior art. Claims 26-30 that now recite such features are believed to be allowable.

### Drawings

The Office requests corrected drawings sheets for Figures 7a-7e, indicating that these should each be labeled "prior art". Such drawings are provided in accordance with this request.

The Office also states that Figures 4-6 are missing. Although such figures are believed to have been received by the Office as part of the International Application, Figures 4-6 are provided herewith. No new matter is introduced into the application by providing the above figures.

### 35 U.S.C. § 112

Claims 1-3 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office alleges that the term "reversibly removable" is unclear. Although Applicant believes this term to be definite, such claims have been amended to recite the electric dose counter unit being detachable from the medicament dispenser. Such terminology is fully supported

by the specification, eg, paragraph [0218] of U.S. Publication No. 2005/0258182.  
A withdrawal of this rejection is respectfully solicited.

35 U.S.C. § 103

Claims 1 and 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,860,419 to Davies et al. ("Davies") in view of U.S. Patent No. 6,029,659 to O'Connor ("O'Connor"). Applicant respectfully traverses each and every aspect of this rejection.

As a prior art reference, Davies does not teach counting means as a distinct counter unit. O'Connor does not render the claims in question obvious taken in combination with Davies. In particular, and when viewing its disclosure as a whole, O'Connor does not teach a medicament dispenser having a removable counter unit. The Office alleges that counter 40 taught by O'Connor serves as a unit that may be reversibly receivable from the dispenser. Close examination of these teachings indicate that the counter 40 is integrated into the dispenser and thus ceases to be a separable unit. As taught by O'Connor, protrusions 51, 52, 53 and 54 are present on the counter to allow the counter to be "securely fastened" to the delivery device (col. 7, lines 14-18). Moreover, the orientation of the pitch of protrusions 50 and 54 do not allow the counter to detach from the device. The pitch of protrusions 50 and 54 slope downward commencing from a location near the dispenser wall. The structure of protrusions 51, 52, 53 and 54 clearly secure the counter 40 such that it is not detachable.

O'Connor offers absolutely no suggestion whatsoever as to how its teachings might be modified. O'Connor is solely focused on counters used in conjunction with metered dose inhalers. As such, the inhaler is used over a prolonged time period since the patient maintains use by utilizing new canisters. Accordingly, there is no need for the separation of a dose counting unit.

Claims 1 and 20-25 are clearly patentable over Davies applied in combination with O'Connor. A withdrawal of this rejection is respectfully solicited.

Claims 2-8 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies in view of O'Connor as applied above to Claim 1, and further in view of U.S. Patent No. 5,990,782 to Lee ("Lee"). Applicant respectfully traverses each and every aspect of this rejection.

As stated above, Davies and O'Connor do not teach a device using a detachable dose counter, as recited by these claims by virtue of their dependency. Lee does not cure the shortcomings of such teachings. Lee does not teach or suggest a detachable electronic dose counting unit such as that recited by the present invention. A withdrawal of this rejection is therefore respectfully solicited.

Claims 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies in view of O'Connor as applied above to Claim 1, and further in view of U.S. Patent No. 4,572,403 to ("Benaroya"). Applicant respectfully traverses each and every aspect of this rejection.

Davies and O'Connor do not render obvious the above claims, applied in combination with Benaroya. Davies and O'Connor, as set forth above, do not teach or suggest a detachable electronic dose counting unit, and Benayora does not address this deficiency. A withdrawal of this rejection is therefore respectfully solicited.

Claims 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies in view of O'Connor as applied above to Claim 1, and further in view of U.S. Patent No. 5,575,392 to Cutler ("Cutler"). Applicant respectfully traverses each and every aspect of this rejection.

As stated above, Davies and O'Connor do not teach or suggest a detachable electronic dose counting unit, and Cutler does not address this deficiency. A withdrawal of this rejection is therefore respectfully solicited.

The points of the Office Action being addressed in full, a Notice of Allowability is respectfully solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Robert J. Smith", written over a horizontal line.

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